

REMARKS

In the Office Action, dated May 12, 2005, the Examiner states that Claims 1-11 are pending, Claims 1-3, 5, 6, 8 and 11 are rejected and Claims 4, 7, 9 and 10 are objected to. By the present Amendment, Applicant amends the specification, the claims, and the drawings.

In the Office Action, the drawings are objected to for showing the features of the bottom and the notch both with reference numeral 16. The drawings and specification have been amended to show and describe the feature of the notch with reference numeral 18.

The Applicant has amended the abstract to correct minor informalities.

In the Office Action, Claims 7, 9 and 10 are objected to for being in improper multiple dependent claim format. The Applicant has amended those claims to remove the improper multiple dependencies. The Applicant has also amended the claims to remove the reference numerals and characterizing language. New Claim 12 is based upon original Claim 7.

The amendments to the claims have been made solely for the purpose of correcting the above-mentioned informalities, and not for any reason relating to the patentability of the claims in view of the cited prior art.

In the Office Action, Claims 1 and 2 are rejected under 35 U.S.C. §102(b) as being anticipated by US 5,716,356 (Biedermann et al.). Claims 1, 3, 5 and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by US 5,885,286 (Sherman et al.). Claims 8 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Biedermann in view of WO 98/41159 (Alby). The Applicant respectfully disagrees with and traverses these rejections.

The rejection indicates that "the first assembly has a positioning ring mounted in the fixing body with freedom to move in limited linear displacement (limited by crimping 114, 115) and allowing the body and the anchor screw to rotate freely relative to each other in the absence of the bracing rod". The rejection also indicates that "the nut being fitted in its diametral zone with a shoe mounted to rotate freely and designed to come to bear against the bracing rod so that when tightened it clamps said shoe and the positioning ring".

According to the present invention as claimed, the implant has:

a positioning ring (21) mounted with freedom to move in limited linear displacement,

a nut adapted on being screwed onto the body to bear against the bracing rod and move the positioning ring (21) in linear manner so that on being tightened it clamps the bracing rod between said system and the positioning ring (21) and also clamps the anchor screw between the positioning ring (21) and the fixing body (5).

Biedermann does not disclose a positioning ring (21) mounted with freedom to move in limited linear displacement, or an anchor screw clamped between the positioning ring (21) and the fixing body (5) when the nut bears against the bracing rod (3).

Biedermann discloses "that the compression member 111 is fixed by crimping through bores 114, 115 when assembling, as best shown in Fig. 20" (see col. 6, lines 55-60). It is clear that the compression member 111 is completely assembled to the head 104. The compression member 111 is not free to move in linear displacement.

Biedermann discloses a locking member 10 and a swivel nut 11. A spring member 113 is mounted between the rod 9 and the compression member 111. The position of the rod 9 is fixed by the clamping cooperation, in particular, of the swivel nut 11 and the spring member 19. However, the swivel nut 11 does not move the compression member 111 in view to clamp the screw 101 between the compression member 111 and the head 104. (The compression member 111 does not move because the compression member 111 is fixed to the head 104).

Sherman discloses a bone screw 11 having a head 122 including a number of circumferential ridges 126 engaged the crown member 113 (see col. 9, lines 9-30). Also, the bone screw 11 does not rotate freely relative to the crown member 113 in the absence of rod R. Sherman does not disclose a crown member 113 mounted with freedom to move in limited linear displacement. It is clear that Sherman does not describe an implant comprising a positioning ring 21 (crown member 113) guided to move with linear displacement relative to the fixing body 5 (body 130) by means of a guide peg 24 co-operating with a complementary bore.

Neither, Biedermann or Sherman disclose the claimed features of:

a first assembly comprising a positioning ring guided in linear displacement, the assembly being adapted to allow the body and the anchor screw to rotate freely relative to each other in the absence of the rod,

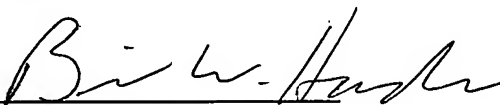
a second assembly adapted to move the positioning ring and the anchor screw between the positioning ring and the fixing body.

Thus, the Applicant considers that Claims 1-3, 5 and 5 are not anticipated by these references. Likewise, the Applicant considers that dependent Claims 8 and 11 are not obvious over Biéderrmann in view of Alby.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

August 11, 2005
Date



Attorney for Applicant
Brian W. Hameder
c/o Ladas & Parry LLP
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300
Reg. No. 45613